

<p style="text-align: center;">Town of La Pointe Planning and Zoning Town Plan Commission Regular Monthly Meeting Minutes January 21, 2015</p>

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Greg Thury, Mike Starck (5).

Town Plan Commission members absent: Margie Denton, Joan Martin (2).

Public Present: Paul Brummer, Gene Nelson (arrives at approximately 5:14 p.m.) (2).

Town Staff Members Present: Lisa Potswald, Planning and Zoning Administrator (1).

I. Call to Order/Roll Call

Chair Pallas calls the meeting to order at 4:30 PM. Roll call reflects members present or absent as recorded above.

II. Public Comment

None.

III. Approval of Previous Meeting Minutes

M. Starck moves to approve the Town Plan Commission Special Monthly Meeting minutes of December 17, 2014 as amended. G. Thury seconds. Five in favor. Motion carries.

IV. Zoning Administrator's Report

Year-end report for 2014 reviewed and placed on file. There is some discussion regarding the fire number project.

V. Consideration and/or Action of Permit Applications

- a. Ashland County Section 21, Township 50 N, Range 3W, LP #014-00117-0100; owner Laura Platt (deceased). Consideration/acceptance of certified survey map.

After discussion, C. Brummer moves to recommend to the Town Board approval of the Certified Survey Map #1641 for Nancy Jones as submitted; M. Starck seconds. Five in favor. Motion carries. The Town Plan Commission Chair instructs the Zoning Administrator to send a letter to Bill Metzinger, Land Ashland County Descriptions, telling him that this Certified Survey Map was approved by the Town, and cite the Wisconsin Attorney General's decision of 1977 that because the road goes through the property, it is 2 separate parcels and so could have been sold without dividing it. The statement of "illegally divided" on the land description should be removed and label it a nonconforming lot instead.

VI. New Business

- a. Complaints against M. Curry, 547 South Shore Road:

Refer to Memo to the Town Plan Commission dated January 21, 2015 regarding the complaints.

1) Illegal rental

Chair Pallas used to be a caretaker of the property for the original owner, and the structure in question was used as a storage for a sail boat. After discussion, the Town Plan Commission agreed by consensus that M. Curry should continue to work with the Town Building Inspector to complete the change of use process to make the structure a dwelling, so someone can stay in it whether the person is renting or not. The Town Building Inspector makes the final determination of whether a change of use is made or not. At present it is still an illegal dwelling. If the structure meet the requirements of the Town's and county's ordinances for a dwelling and M. Curry rents it out, he needs a rental permit to rent it. He should be reimbursed for both the rental permit and the change of use permit if he does not follow through with the change of use. ZA was instructed to ask for a copy of his UDC application for change of use from Mr. Price.

2) Illegal move of mobile home

M. Curry recently moved a mobile home onto his property. Gene Nelson filed a complaint with the Zoning office, alleging that M. Curry did not have the proper permits. The Town Plan Commission is asked to interpret whether the mobile home is considered a structure or not. Mr. Curry states that the trailer will not be inhabited; instead, he intends to deconstruct it. Chair Pallas states that it becomes a structure when he takes the wheels off it and someone stays in it. The Zoning Ordinance does not require a permit to move or place something on a property unless it is deemed a structure. Chair Pallas instructs the Zoning Administrator to follow up with Mr. Curry regarding this complaint in six months.

VII. Old Business

a. Rentals:

M. Starck asked that the three agenda items related to rental permits be put on the agenda for discussion.

1) Should we charge for long-term rental permits

M. Starck states that if the Town charges a fee for short-term rental permits, a fee should also be charged for long-term rentals. ZA instructed to gather more information to bring to the next meeting. C. Brummer pointed out that in past discussions we have not in order to encourage availability of long-term rentals. S. Soucek agrees that we should charge for permits for long-term rentals. Chair Pallas states that we shouldn't move forward on this until we get all the information together.

2) Should long-term rentals be inspected

M. Starck previously asked why only short term rentals on the Island were inspected and not long term rentals. ZA contacted Ken Tuckwell of Ashland County who does the Health Department inspections. He stated that their contract with the State of Wisconsin defines the facilities as "tourist rentals". The state does not license facilities that are rented or leased on a month to month basis. Discussion ensues about how often inspections should take place, and who would do them. C. Brummer states that they may not need to be inspected

every year. M. Starck states that his concern on all three of these topics is that if the Town is issuing a permit, the Town can be held liable for any accident or injury that happens in a rental unit. ZA instructed to gather more information to bring to the next meeting.

3) Should the Town require rentals to meet minimum private drive standards

The present Town ordinance for streets and sidewalks covers only those streets the Town is responsible for. There is presently no ordinance for private roads; this will be completed as part of the fire number project. Chair Pallas says that we cannot do anything about this until we have an ordinance on private driveways in place; this will have to be reviewed by the public before it becomes an ordinance. Chair Pallas also states that if we are permitting these properties, it is our responsibility to make sure emergency vehicles can get to the house. Town Plan Commission discusses the idea of rental permits not being issued to property owners whose driveways don't pass a standard once inspected by the Fire Chief. Property owners can choose to upgrade their driveways to a standard or not rent. Property owners who rent should also be required to show proof of insurance, which is not presently required.

M. Starck recommends that the ZA review the General Code book regarding past recommendations made. P. Brummer was recognized by the Chair, and commented that a hold harmless clause on all rental permits might strengthen the Town's immunity from lawsuits.

b. Lists of BOA and CUP files

Lists of all the BOA cases and CUP files are distributed for information purposes only.

VIII. Future Agenda Items

- a. M. Curry complaint
- b. Rental permits

IX. Schedule Future Meetings

- a. Next Special Monthly Meeting to be held **Wednesday, February 4, 2015 at 4:30 p.m.**

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:16 pm.

Town Plan Commission minutes respectfully submitted by Lisa Potswald, Planning and Zoning Administrator, on Thursday, January 22, 2014.